

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.319e Receipt of abstract of conviction; suspension of license; waiver or restrictions; conditions; suspension of license prohibited; definitions.

Sec. 319e. (1) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, the secretary of state shall immediately suspend the license of the person for the period specified in the abstract of conviction.

(2) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of a law of another state that regulates the possession, distribution, manufacture, cultivation, sale, or transfer of a substance the possession of which is prohibited under the controlled substances act; or for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242, the secretary of state shall immediately suspend the license of the person, as follows:

(a) For a period of 6 months, if the person does not have a prior conviction within 7 years of the violation.

(b) For a period of 1 year, if the person has 1 or more prior convictions within 7 years of the violation.

(3) The secretary of state may waive the suspension of a person's license imposed under subsection (2) or grant restrictions if the person convicted of a violation described in subsection (2) submits proof that he or she served a term of imprisonment that exceeded 1 year for the violation, or submits proof of both of the following:

(a) That a court revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (2) for the violation.

(b) That the revocation, suspension, or restriction described in subdivision (a) was served for the violation.

(4) The secretary of state shall not suspend the license of a person if the person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(5) As used in this section:

(a) "Prior conviction" means either of the following:

(i) A conviction for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(ii) A conviction for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

(b) "Substance the possession of which is prohibited under the controlled substances act" means that term as defined in 23 C.F.R. 1212.3.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994.